IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 18679 of 2005(W)

PETITIONER:

BABU, S/O. NARAYANAN,
ELAMBILASSERIL HOUSE, ARIKKUZHA P.O.,
THODUPUZHA, IDUKKI DIST.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS:

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1. THE THODUPUZHA PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.4388, THODUPUZHA, REPRESENTED BY ITS SECRETARY, THODUPUZHA P.O., IDUKKI DIST.

2. THE SPECIAL SALES OFFICER, THODUPUZHA PRIMARY CO-OP. AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.4388, THODUPUZHA P.O IDUKKI DIST.

BY GOVT. PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1 True copy of Sale Proclamation issued by the 2nd respondent dated 9.5.2005.

Ext.P2 True copy of Notice dated 17.6.2005 issued by the second respondent.

Ext.P3 True copy of receipt dated 13.6.2005 issued by the Branch Manager of the 1st respondent Bank.

Ext.P4 True copy of representation submitted by the petitioner before the Asst. Registyrar (General), of Co-op. Societies, Thodupuzha, dt. 13.6.2005.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) No. 18679 of 2005

Dated this the 11th January, 2007.

J U D G M E N T

Coercive steps were initiated against the writ petitioner, when he defaulted the payment of the loan amount due to the first respondent Bank. On 22.6.2005, an interim order was granted by this Court, on condition that the petitioner deposits an amount of Rs.10,000/= per month, on or before 10th of every month, commencing from July, 2005. It was also directed that in case of default, the above order would stand automatically recalled.

2. When the matter came up for consideration on 15.12.2006, there was no representation. Hence, it was posted for disposal on 21.12.2006, thereafter on 2.1.2007, and continued as such. Today also, when the matter is taken up, there is no representation.

3. After going through the facts, I dispose of the writ petition, directing the writ petitioner to approach the first respondent for an one time settlement facility, within 10 days from today. On receipt of the same, the first respondent shall hear the writ petitioner,

and calculate the amount due from him. A statement of accounts shall be supplied to him. Thereafter, the first respondent shall extend the facility of one time settlement scheme to the writ petitioner, as per the Circular No.59/2006, dated 30.11.2006. This shall be done within one month from the date of receipt of such representation.

4. There shall be no coercive steps initiated against the writ petitioner, till an order is passed on the representation filed by the writ petitioner, as above.

J.M. JAMES,
JUDGE

nj.